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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,570	10/08/2004	Alessandro Morelli	6391/PCT	9019
6858 7590 09/22/2009 BREINER & BREINER, L.L.C. P.O. BOX 320160 ALEXANDRIA, VA 22320-0160				
EXAMINER				
TAWFIK, SAMEH				
ART UNIT		PAPER NUMBER		
3721				
MAIL DATE		DELIVERY MODE		
09/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,570

Applicant(s)

MORELLI ET AL.

Examiner

Sameh H. Tawfik

Art Unit

3721

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-21, 26-29, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) 26-29 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-21 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Newly submitted claim 42 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the new added claim 42 is referring to different species (Fig. 15A), which is different than what the original filed claims were referring to (Fig. 5).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 42 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-21, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamauchi (U.S. Patent No. 5,000,729).

Yamauchi discloses a folding machine to fold a web material with the use of gripping members (Fig. 2, via 12), constructed and arranged to generate a gaseous flow (Fig. 2, via suction passage 17 and 18 and suction hole 15), the mechanical gripping member in absence of a folding blade being constructed and arranged to grasp the web material inserted therein by the gaseous flow, see for example (Figs. 2 and 8-10; via the web been completely folded, sucked,

and rotated along with the roller via suction holes 15, with no use of the folding blade); a counter roller (via 8'); on which a projection is provided (via 13'); first and second mechanical gripping member in first and second folding roller, a nip between the rollers, being constructed and arranged to grasp the fold of the continuous web material after the web material has been inserted therein by the gaseous flow, see for example (Figs. 2, 8-9 and 17-19; via the web has been inserted with the aid of suction means 17' prior to the use and/or contact of gripping means 12' to the web). *Note the web mainly folded via using suction (column 2, lines 24-30), "leading edges of the sheets are attracted by suction to the folding drums".* Once the sheets are attracted and rotated along with the folding drums, this could be equivalent to the claimed "absence of a folding blade".

Response to Arguments

Applicant's arguments filed 07/20/2009 have been fully considered but they are not persuasive.

Applicants argue that the applied art '729 discloses the use of cutting blade 13 to cut the web not to fold it. The examiner maintains that even-though blades 13 might cut portion of the continuous web, but still assisting and aiding on folding the web as clearly shown in Figs. 11a-11f and 13; as first layer of the web has been cut while the second layer has been folded using the same blade 13, which could be considered as folding/cutting blade.

Applicants further argue that the claimed machine of the current application arranged so that no mechanical element engages the strip as it is getting folded. It is noted that applicants are arguing of an issue not been clearly claimed. The claimed invention is referring to "said first mechanical gripping member and said second mechanical gripping member being constructed

and arranged to grasp the fold of the continuous web material after the web material has been inserted therein by said gaseous flow"; which giving it the broadest interpretation could be considered as using the "gaseous flow" along with an aid with any other means.

Applicants argue that the applied art '729 has machine's features arranged in a way different than the claimed machine as '729 requiring four rollers while the claimed machine requires two rollers and a nip between them. Again giving the claim the broadest interpretation will require at least two rollers, but if the applied reference shows more than two rollers, should not affect on the way it reads over the claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sameh H. Tawfik/
Primary Examiner, Art Unit 3721